

REMARKS

Applicant concurrently files herewith an Excess Claim Fee Payment Letter for six (6) excess total claims.

Claims 1-26 are all the claims presently pending in the application. Original claims 1-20 have not been amended by this Amendment. Claims 21-26 have been added to claim additional features of the invention and to provide more varied protection for the claimed invention.

Claims 1-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Koyama (U.S. Patent No. 6,072,936) in view of Dellert et al. (U.S. Patent No. 6,154,755; hereinafter "Dellert").

This rejection is respectfully traversed in the following discussion.

I. THE CLAIMED INVENTION

The claimed invention (e.g., as defined by exemplary claim 1) is directed to an image inputting and outputting apparatus.

The image inputting and outputting apparatus includes an image inputting device which reads image data of at least one image recorded in a recording medium, a determining device which determines a number of pixels of the image data read by the image inputting device, a judging device which judges quality of an image that will be obtained when the image data read by the image inputting device is outputted to an outputting apparatus that performs at least one of printing and displaying of the at least one image, according to the number of the pixels determined by the determining device and a number of pixels required by the outputting apparatus, a displaying device which displays the at least one image according to the image data read by the image inputting device and displays a judging result obtained by the judging device, an instructing device which

issues an instruction to an image outputting device to output the image data to the outputting apparatus, and the image outputting device which outputs the image data to the outputting apparatus according to the instruction issued by the instructing device (e.g., see Application at page 2, line 18 through page 3, line 7).

The claimed invention including the above exemplary features allows a user to easily select image files with resolutions suitable for a print size even if the user does not have a special knowledge of a quality, pixels and resolution of the photo image data (see Application at page 2, lines 14-17).

II. PRIOR ART REFERENCES

The Examiner alleges that Koyama would have been combined with Dellert to teach the claimed invention of claims 1-20. Applicants respectfully submit, however, that these references would not have been combined as alleged by the Examiner and that, even if combined, the alleged combination of references would not teach or suggest each and every feature of the claimed invention.

First, neither Koyama nor Dellert, nor any combination thereof, teaches or suggest “a determining device which determines a number of pixels of the image data read by the image inputting device” nor “a judging device which judges quality of an image that will be obtained when the image data read by the image inputting device is outputted to an outputting apparatus that performs at least one of printing and displaying of the at least one image, according to the number of pixels determined by the determining device and a number of pixels required by the outputting apparatus”, as recited in claim 1 and similarly recited in claim 12.

The Examiner alleges that Koyama teaches these features of the claimed invention. Indeed, the Examiner attempts to rely on column 3, lines 35-51 of Koyama to support his allegations. The Examiner, however, is clearly incorrect.

Applicants submit that the passage relied upon by Koyama does not even mention a determining device or a judging device, let alone teach or suggest the above features of the claimed invention.

Indeed, Applicants point out that the Examiner has not even indicated which features of Koyama the Examiner is attempting to analogize to the determining device and the judging device of the claimed invention. Applicants point out that “[w]hen a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable.” (See M.P.E.P. § 707 and 37 C.F.R. § 1.104; emphasis added by Applicants). Accordingly, due to the complex nature of Koyama, Applicants submit that the Examiner must specifically designate which features of Koyama the Examiner is relying upon for teaching the determining device and the judging device, as well as each and every other feature of the claimed invention.

Furthermore, Applicants submit that the passage relied upon by the Examiner fails to support his allegations.

That is, with reference to Figure 2 of Koyama, the apparatus 24 includes a drive unit for receiving a picture data mini disk 25. The mini disk 25 includes picture data of three varying degrees of resolution (see Koyama at column 3, lines 31-37). Additionally, the apparatus 24 includes a processing circuit 30 for generating video data of varying degrees of resolution (see Koyama at column 3, lines 48-53). These teachings of Koyama fail to teach or suggest the above features of the claimed invention.

Indeed, the claimed invention may include a determining device which determines a number of pixels of the image data read by the image inputting device. Koyama does not

teach or suggest determining a number of pixels of the image data. Indeed, in Koyama, the apparatus 24 merely reads data for three separate pictures. That is Koyama merely teaches the high-resolution picture file includes a PHPnnnnn.PMP file having a video data of an aspect ratio of 3:2 and a size of 1536 pixels.times.1025 pixels and a PHWnnnnn.PMP file having a video data of an aspect ratio of 16:9 and a size of 1920 pixels.times.1080 pixels. An ultrahigh-resolution picture file UD which is one of the high-resolution picture files includes a PUPnnnnn.PMP file having a video data of an aspect ratio of 3:2 and a size of 3072 pixels.times.2048 pixels and a PHWnnnnn.PMP file having a video data of an aspect ratio of 16:9 and a size of 1920 pixels.times.1080 pixels.

However, the claimed invention may include a judging device which judges quality of an image. In Koyama, the resolution of the images is determined before the image data is input into the apparatus 24. Indeed, the separate pictures are stored based on a known resolution prior to being input into the apparatus 24. Therefore, the apparatus of Koyama does not judge the quality of the image, as this information is already known.

Therefore, the alleged combination of references fails to teach or suggest at least the above features of the claimed invention.

Second, Applicants submit that the alleged combination of references does not teach or suggest “*a displaying device which displays the at least one image according to the image data read by the image inputting device and displays a judging result obtained by the judging device*” (emphasis added by Applicants), as recited in claim 1 and similarly recited in claim 12.

The Examiner concedes that Koyama does not teach or suggest this feature of the claimed invention (see Office Action dated March 1, 2007 at page 3).

The Examiner attempts to rely on Dellert to make up the deficiencies of Koyama.

Applicant submits, however, that Dellert would not have been combined with Koyama as alleged by the Examiner.

Indeed, Applicants submit that Dellert is not “analogous prior art”. The M.P.E.P. sets forth that “[i]n order to rely on a reference as a basis for rejection of an applicant’s invention, the reference must be either in the field of applicants’ endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned.” (See M.P.E.P. § 2141.01(a)).

An exemplary aspect of the claimed invention is directed to an apparatus for indicating estimated resolutions of printed images. In stark contrast, Dellert is directed to a method of storing images on a floppy disc and producing an index print of the stored images (see Dellert at column 1, lines 10-16). Dellert is not at all directed to the resolution of an image. Therefore, Dellert is clearly not analogous to the claimed invention (Furthermore, Applicants submit that Koyama, which is directed to an image synthesizing method, is also not analogous to the claimed invention) as it is not in the field of Applicants’ endeavor and it is not reasonable pertinent to the particular problem (i.e., indicating estimated resolutions of images) of the claimed invention.

Furthermore, Applicants submit that Dellert and Koyama are directed to different problems and solutions. Specifically, Dellert, as indicated above, is directed to a method of storing images on a floppy disc and producing an index print of the stored images (see Dellert at column 1, lines 10-16), whereas Koyama is directed to an image synthesizing method and a method of editing a picture (see Koyama at column 1, lines 7-11 and 44-47). Therefore, these references are completely unrelated, and a person of ordinary skill in the art, attempting to improve Koyama, would have no reasonable motivation to consult the disparate reference Dellert, absent impermissible hindsight.

Moreover, Applicants submit that Dellert does not teach or suggest “*a displaying device which displays the at least one image according to the image data read by the image inputting device and displays a judging result obtained by the judging device*” (emphasis added by Applicants), as alleged by the Examiner.

Indeed, the Examiner attempts to rely on Figure 2 and column 3, lines 58-65 of Dellert to support his allegations. However, nowhere in this figure nor this passage (nor anywhere else for that matter) does Dellert teach or suggest displaying a judging result obtained by the judging device. Indeed, Dellert merely teaches displaying an image in an user interface (see Dellert at Figure 2 and column 3, lines 61-62). Dellert does not even mention a judging result, let alone teach or suggest displaying a judging result with the at least one image.

Therefore, Dellert fails to make up the deficiencies of Koyama.

Moreover, Applicants request the Examiner to reconsider his rejections of dependent claims 2-11 and 13-20 as each of the dependent claims recites features not taught or suggested by either of the applied references.

Furthermore, the Examiner’s rejections of claims 2-11 and 13-20 fail to meet the procedural guidelines set forth in the M.P.E.P.

First, the Examiner does not point out which features of Dellert and Koyama he is relying upon to teach the limitations recited in dependent claims 2-11 and 13-20.

Second, with respect to at least claims 5, 7, 9 and 10, in which the Examiner attempts to rely on Dellert for teaching a feature not taught by Koyama, the Examiner has failed to provide any motivation for combining the alleged teachings of Dellert with Koyama. Indeed, the Examiner has only provided a motivation for combining the teachings of Dellert with that of Koyama with respect to his explanation of claim 1. Applicants point out, however, that his alleged motivation does not carry forward for all of the limitations recited in the dependent

claims. The Examiner, must provide a motivation for combining each of the features of Dellert that he is attempting to combine with the teachings of Koyama.

Third, with respect to at least claims 4, 5 and 11, the Examiner does not even point out which reference he is relying upon as teaching the features of the claimed invention.

Fourth, with respect to claim 6, the Examiner states “Koyama and Dellert disclose ever feature discussed in claim, and further teaches the same limitations from claims 1 and 5” (see Office Action dated March 1, 2007 at page 4). The Examiner has failed to address any of the features recited in claim 6 and furthermore, the language of the Examiner’s rejection is not understood by Applicants. Clarification is hereby requested.

Therefore, Applicants submit that these references would not have been combined as alleged by the Examiner and that, even if combined, the alleged combination of references does not teach or suggest each and every feature of the claimed invention. Therefore, the Examiner is respectfully requested to reconsider and withdraw this rejection.

III. NEW CLAIMS

New claims 21-26 have been added to provide more varied protection for the claimed invention and to claim additional features of the invention. These claims are independently patentable because of the novel features recited therein.

Applicants submit that new claims 21-26 are patentable over any combination of the applied references at least for analogous reasons to those set forth above with respect to claims 1-20.

IV. FORMAL MATTERS AND CONCLUSION

Applicants submit that the title of the invention has been amended in a manner believed fully responsive to the Examiner’s objection.

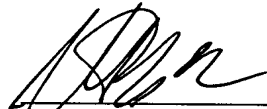
In view of the foregoing, Applicant submits that claims 1-26, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

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